

**CITY OF NEWBERG CITY COUNCIL MINUTES  
FEBRUARY 7, 2011  
7:00 P.M. MEETING  
PUBLIC SAFETY BUILDING TRAINING ROOM  
401 EAST THIRD STREET**

A Work Session was held prior to the meeting. A presentation from Fire Chief Les Hallman and Fire Division Chief Frank Douglas on a possible ambulance serve rate increase was given. No decisions were made.

**I. CALL MEETING TO ORDER**

Mayor Bob Andrews called the meeting to order at 7:01 PM.

**II. ROLL CALL**

**Members**

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard	Stephen McKinney
	Bart Rierson	Marc Shelton	Wade Witherspoon	

**Staff**

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma Alley, City Recorder
	Larry Fain, CIP Project Manager	Jennifer Nelson, Minutes Recorder

**Others**

Present: Bryan M. Stewart, Robin Anderson, Mike Ragsdale, Pat Haight, Roger Wiltshire, Hank Grum, Daniel W. Shepherd, and Janet Floren

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGER'S REPORT**

Mr. Daniel Danicic, City Manager, gave a reminder for the Budget Committee meeting on Tuesday, February 15, 2011, and the City/County Dinner hosted by Chehalem Park and Recreation District (CPRD) at the Cultural Center on Thursday, February 17, 2011. He also noted the utility billing counter has moved to City Hall completing the move of all finance functions to City Hall to free up the Public Safety Building for the police department.

**V. PUBLIC COMMENTS**

Mr. Brian Stewart, city groundskeeper and Co-Chair for the Camellia Festival, offered background on the City's official flower and how the Camellia Festival came to be held in Newberg. He also spoke of future plans to hold all future Oregon Camellia Society shows in the Cultural Center and possibly the annual convention of the American Camellia Society in 2014. Ms. Robin Anderson, Executive Director of the Chehalem Cultural Center, discussed plans for the festival, themes, attractions, and ideas for expanding the program to include more cultural aspects into the activities. She also spoke of ideas to work with the Newberg Downtown Coalition to further incorporate downtown businesses into the festival activities as well. Mr. Mike Ragsdale, Newberg Downtown Coalition Chair, spoke of the opportunity of statewide and national attention for Newberg and the CPRD Board's decision to contribute \$2,000.00 towards the festival. He asked the Council to please join them in supporting the Camellia Festival.

Ms. Pat Haight spoke to Resolution No. 2011- 2926 on the Consent Calendar and stated she had difficulty finding copies of various pages and minutes from the Citizens' Rate Review Committee (CRRC) meetings and asked Council to vote against the resolution and take more time to find the documents supporting it because the people have not had access to them.

Mr. Roger Wiltshire stated the city is not keeping accurate records and claimed that previous minute records were fraudulent because they summarized him asking for the resignation of "certain city employees" rather than the specific individuals he cited during the meeting. He asked the city manager for the chart of accounts. Mr. Danicic, directed him to the city website where he could find the annual budget with line items.

Mr. Hank Grum observed the Council is elected by the citizens and committee and commission members are appointed by the Council. He is concerned these appointments are being made without knowledge of the individual's personal opinion as to government's role in society. He also feels these committees and commission are dictating city policy. As non-elected individuals, he feels this is inappropriate. Councilor Shelton expressed concern Mr. Grum may be suggesting a political test be applied for committee membership, which would be contrary to the Council's goal of diversity of membership. Councilor Bacon also pointed out committees and commissions only provide policy recommendations and Council ultimately sets and adopts policy.

## VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2926** accepting an Interim Financing Loan from the Clean Water State Revolving Fund by entering into an agreement with the State of Oregon acting by and through the Department of Environmental Quality.
2. Consider a motion approving **Resolution No. 2011-2929** adopting the implementation of GASB 54 by committing the ending fund balances of Economic Development Revolving Loan Fund and Cable TV for specific purposes and delegating authority to the finance director for "assign" ending fund balances.
3. Consider a motion approving a proclamation recognizing Coach Chris Casey for his and the Aloha High School football teams accomplishment in winning the State Championship for 2010.
4. Consider a motion approving City Council Minutes for January 3, 2011.

<p><b>MOTION:</b> <b>Rierson/Bacon</b> approving the Consent Calendar to include <b>Resolution No. 2011-2926</b>, <b>Resolution No. 2011-2929</b>, a proclamation recognizing Coach Chris Casey and the Aloha High School football team, and the City Council Minutes for January 3, 2011, as amended. (7 Yes/0 No) Motion carried.</p>
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Mayor Andrews read and presented the proclamation to Coach Chris Casey.

## VII. PUBLIC HEARINGS

1. Consider a motion approving **Order No. 2011-0030** amending the Comprehensive Plan map designation from Low Density Residential (LDR) to High Density Residential (HDR) and amend the Zoning designation from R-1 (Low Density Residential) to R-3 (High Density Residential) for a property located at 1103 North Meridian Street.

TIME – 7:44 PM

Mayor Andrews spoke of more ex-parte contact being received after the last meeting and asked the Council to consider accepting the additional ex-parte material into the record.

**MOTION: Shelton/Rierson** to accept the additional ex-parte materials received into the record for **Order No. 2011-0030**. (7 Yes/0 No) Motion carried.

Mayor Andrews recessed at 7:47 PM for three minutes and reconvened.

Mayor Andrews asked if anyone wished to speak only to the ex-parte contact; one citizen signed up.

Mr. Daniel Shepherd started to speak about the citizens of the neighborhood getting together to discuss options with the involved parties and he wished to say they did not agree with the staff reports. Mayor Andrews stopped the testimony because it did not pertain to the ex-parte material; staff reports are not ex-parte contact.

Mr. Barton Brierley, Planning and Building Director, presented the staff report and stated the final staff recommendation reflects the Planning Commission's decision to approve the order with conditions; however, staff suggested Council could also deliberate on the application and direct staff to come back with an order reflecting their decision (see official meeting packet for full report).

Mayor Andrews clarified with staff that the opponents received the report and asked for explanation of item 2B and the requirements for sidewalks or walkways to be proportional. Staff replied it was a summary of a larger legal principal for placing requirements on a development, you cannot have conditions greater than proportional share of the development's impact; you can only require offsite improvements to mitigate some of the impacts and there is case law to recognize this. Mayor Andrews continued with questions on plans to preserve the existing house, parking management, and lighting. Staff replied the preservation was to the house only and addressed some of the concerns for parking management being related to an excess of on-street parking; the applicant would address those issues by monitoring visitor parking and available spots. The lighting plans are to accomplish security and minimize impacts to the neighbors.

Mayor Andrews asked if the Housing Authority of Yamhill County (HAYC) is prepared to accept a mixture of populations or senior housing and if the Council can dictate or request its preference. Staff replied HAYC is considering senior housing, family housing, and/or a mixture of senior and special needs housing; but, it is unknown at this point what they will ultimately propose. Council can make a request but State and Federal laws prohibit housing discrimination, so Council cannot dictate their preferences.

Councilor Shelton asked if Evergreen Drive was included during discussions to improve the Meridian Street railroad crossings. Staff replied it was. Councilor Shelton also asked if the installation of the fence adjacent to all private property included the non-finished section of Evergreen Drive and if there were any plans to egress. Staff said a concept plan has been proposed providing pedestrian access, not vehicular; but, it is not a site plan at this point. Councilor Shelton asked if HAYC does not go through with this and sells the property, could it go into anything less than multifamily housing. Staff replied R-3 allows for the road through to Evergreen Drive, but HAYC is not contemplating that.

**MOTION: Rierson/Shelton** approving **Order No. 2011-0030** amending the Comprehensive Plan map designation from Low Density Residential (LDR) to High Density Residential (HDR) and amend the Zoning designation from R-1 (Low Density Residential) to R-3 (High Density Residential) for a property located at 1103 North Meridian Street, read by title only.

Mayor Andrews said he would rather direct staff to prepare an order with the suggested changes or return it to the Planning Commission for design review.

Mr. Mahr also suggested a motion to give conditions and then direct staff to come back with a document in writing. Since a motion is on the floor it can be withdrawn to deliberate.

Councilor McKinney added he could not support the document as it exists since it is also dated for December 6, 2010, and the additional material needs to be included.

**MOTION: Rierson/Shelton** to withdraw the previous motion to approve **Order No. 2011-0030.**

Councilor Shelton stated his concerns are with the plans on Evergreen Drive being an unpaved gravel road with no shoulder; having decent sidewalks encourages better pedestrian traffic and access to public services. He is uncomfortable to do this without directing planning to consider some improvement to Evergreen Drive if there is going to be egress.

Councilor Wade Witherspoon said he was not in favor of the order at all. He understands the need for affordable housing, but on the other hand he also values a beautiful historic piece of property. If this were an emergency situation that would significantly impact the current affordable housing need, he may consider it; but, he is looking at how this meets the citizens' needs now and in the long range. He does not feel it is an emergency situation when there is forty-five buildable acres currently in the City and it would only impact 13% of the current affordable housing need. He also feels the majority of the citizens are not in favor of this and the Council needs to do a better job of making decisions that are moving in the direction of its vision and goals; other alternatives for this property, like a heritage center or park, would better satisfy those goals to be a destination City and Newberg being the gateway to the wine community. He did not feel this fit into achieving the vision of the City on a long term basis and was not in support of the order.

Councilor McKinney agreed with Councilor Witherspoon and added his concerns about protecting the rights of the R-1 property owners who built homes adjacent to this site. He wondered if this was the best site to be used for meeting the affordable housing needs and felt a tremendous amount of money would be used to preserve the historic home that could be dedicated towards homes for those in need. He also had concerns for the sidewalks being installed in conjunction or adjacent to the railroad tracks and the vehicular congestion in the area. If it is changed to R-3, improvements must involve Evergreen Drive and Sierra Vista Drive, which is a sizeable financial commitment for the people on those properties to make it livable for everyday use. He believed this was the wrong thing at the wrong place and the wrong time and he could not support the zone change.

Councilor Bacon argued it is an emergency situation for affordable housing because there is not enough of this type available in Newberg and there is already this type of housing across the street. No one wants to purchase the property as a park. She asked where those people supporting the wine country are going to live because they are making minimum wage at their jobs. She understood the history of the property, but also spoke of changing the histories of the families who would live there without worrying about making their rent.

Councilor Bart Rierson said he supported the proposal although he has hesitations about the impacts to the neighbors. He feels there are more advantages than disadvantages for the greater good. He said although it may not be the best site, HAYC feels it is the best one for them and he commended them for finding a unique way to come up with a good use for the property. He heard testimony trying to lump HAYC in with other section eight housing, but their properties are well-managed and are not "slum-lord" properties. He pointed out that anyone with children in Newberg will need a place for them to afford to live. He said it is not a perfect plan, but he felt it was for the greater good and he supported it.

Councilor Shelton stated his only concerns were for needed improvements, but these change depending on access being vehicular or pedestrian. The area is not being used effectively and already has poor drainage which will be improved with any development. He said he heard both sides and cannot rule against the Planning Commission decision looking solely at the criteria; he can be swayed by impacts to the residents, but the criteria is there, the need for affordable housing, the density, there is adequate infrastructure, the site is suitable, and the

efforts of the developer to preserve the historical structure. With the amendments discussed he cannot see a reason not to support the order.

Mayor Andrews said he was conflicted by significant issues on both sides. There were numerous buyers sought for this property with no interest. He spoke of previous attempts at preserving property, like the McKearn house and barn, and how nothing has been done since. He is concerned about the protection of the R-1 property owners, but R-1 can be developed just as R-3 can and there would be access, drainage, and parking issues for both. He pointed out there is already R-2 development to the south as well as some R-3 to the north and south and he is concerned for creating an R-3 neighborhood in the area rather than integrating it throughout the City. He could not support the order as it is, but may with modifications.

**MOTION: Shelton/Bacon** directing staff to incorporate council recommendations and mutual planning meetings held by the proponents and opponents to present back to Council as a revised **Order No. 2011-0030** for consideration at the February 22, 2011, meeting. (5 Yes/2 No [McKinney, Witherspoon]) Motion carried.

Mayor Andrews recessed at 8:47 PM and reconvened at 8:50 PM.

2. Consider a motion approving **Ordinance No. 2011-2733** adopting the reformatted, indexed, and republished Newberg Municipal Code.

TIME – 8:50 PM

Ms. Norma Alley, City Recorder, presented staff report update with changes addressed at the previous meeting from Council and recommended approval (see official meeting packet for full report).

Mayor Andrews added corrections to page twenty-two, item eight, changing City Clerk to City Recorder. He questioned the use and definition of timely vs. promptly because “timely” is not legally defined. Staff replied this was tying into changes with state requirements for records requests and concerns for “prompt” being defined as “immediate” and staffing concerns with completing requests in sometimes three days, which is not prompt by definition, but it is timely.

**MOTION: Shelton/McKinney** approving **Ordinance No. 2011-2733** adopting the reformatted, indexed, and republished Newberg Municipal Code, read by title only as amended. (7 Yes/0 No) Motion carried.

## VIII. NEW BUSINESS

Consider a motion approving **Resolution No. 2011-2928** authorizing the city manager to amend the animal shelter design contract with LCG Pence Construction, increasing the contract by \$8,000.00 to conduct a value engineering effort.

TIME – 9:18 PM

Mr. Rob Charles, Public Works Director, and Mr. Larry Fain, CIP Project Manager, presented the staff report (see official meeting packet for full report). Staff discussed meetings with the Newberg Animal Shelter Friends (NASF) and discussions to eliminate elements that are not necessary immediately. This is an investigative process to determine how many of those elements can be eliminated initially in order to get the project moving and to save \$150,000.00 or more in costs. The idea is to put off certain items up front, not drastically altering the face of the building, but getting the shelter built and adding those removed designed elements incrementally to enhance the shelter as additional funding becomes available in the future.

Councilor Rierson expressed his disappointed in this request and felt the contractor may have given a low-ball bid price, expended more, and this is an attempt to recoup costs.

Councilor Howard said he was in favor of this and hopes that firmer numbers come in as a result.

Councilor Shelton stated this has taken longer than anyone wanted and at this point we just need the building. He does not want to spend \$8,000.00 without getting rid of anything significant and if this gets it built by September, 2011, then he would like to do it.

Mayor Andrews opened the floor for public testimony.

Ms. Janet Floren, President of NASF, said the NASF Board endorses this resolution and authorizes them to incorporate engineering suggestions to reduce costs. The agreement is necessary to bring the building costs in alignment with the available funding. They have been working three to four years now and are very close to seeing a finished product.

Ms. Haight spoke of the animals suffering while this process is taking so long and money being wasted without any decisions being made. She said they do not need heated floors and custom stainless steel, just a clean smelling place for the animals and money left to pay someone to operate it.

Councilor Witherspoon clarified with staff they are spending an additional \$8,000.00 to save \$150,000.00. Staff replied this is correct. Mayor Andrews added the contractor asked for up to \$8,000.00 maximum, but he expects negotiations to be made for less and would like to amend the language to say "up to" this amount.

**MOTION: Witherspoon/Shelton** approving **Resolution No. 2011-2928** authorizing the city manager to amend the animal shelter design contract with LCG Pence Construction, up to \$8,000.00 to conduct a value engineering effort. (7 Yes/0 No) Motion carried.

## **IX. COUNCIL BUSINESS**

TIME – 9:52 PM

Councilor Shelton asked staff to look into council waiving their compensation and incorporating it into the council rules discussion.

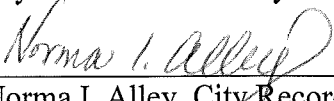
Mr. Danicic asked Council to consider a formal motion for a financial contribution to the Camellia Festival, which was the intention of the Camellia board's public comments tonight, although they failed to directly ask.

**MOTION: Andrews/Bacon** to grant up to \$4,000.00 out of the tourism fund to support the Camellia Festival. (7 Yes/0 No) Motion carried.


## **X. ADJOURNMENT**

The meeting adjourned at 10:19 PM.

**ADOPTED** by the Newberg City Council this 4<sup>th</sup> day of April, 2011.

  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 7<sup>th</sup> day of April, 2011.

  
Bob Andrews, Mayor